

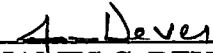
WESTERN DIVISION

ORDER

discretion to transfer a civil action if it is in the interest of justice or to dismiss it without prejudice. See 28 U.S.C. § 1631; Dragenice v. Ridge, 389 F.3d 92, 97 (4th Cir. 2004).

The court DIRECTS the clerk to open a case with a copy of Horne's motion [D.E. 60] and this order. In the interest of justice, the court TRANSFERS the action to the United States District Court for the Middle District of Florida where venue is proper. The court has not required Horne to refile his petition on the prescribed form, pay the filing fee, or seek leave to proceed in forma pauperis. The court also has not determined whether Horne should be advised of the Antiterrorism and Effective Death Penalty Act's restrictions on second or successive petitions. Cf. Castro v. United States, 540 U.S. 375, 377 (2003); Farkas v. Butner, 972 F.3d 548, 555 (4th Cir. 2020). The Middle District of Florida is better positioned to address those issues.

SO ORDERED. This 24 day of October, 2023.



JAMES C. DEVER III
United States District Judge